

Policy for Telework Related to Emergency Preparedness and/or Continuity of Operations Plan (COOP)

Purpose

In anticipation of potential office closures or other protective measures in response to an emergency or implementation of its emergency plan or Continuity of Operations Plan (COOP), _____ (“Employing Office”) is instituting this policy regarding temporary telework (“the policy”). The goal of this policy is to allow the Employing Office to continue to address the needs of its constituents and work to advance the mission of the office, even if its office doors are not open. To be clear, this policy does not establish a long-term or permanent telecommuting policy or program for the Employing Office. Rather, in the event that the Employing Office implements the policy, it will be a temporary measure to address the unique circumstances that in the Employing Office’s judgment constitute an emergency or other reason to implement its COOP measures. Such circumstances may include a natural disaster, pandemic, cyber threat, act of terrorism, technological emergency, or other situation that in the determination of the Employing Office merits implementing the policy. The implementation of the policy may also necessitate the temporary modification of some of the essential functions of some positions for a limited period of time.

Teleworking under the policy is entirely at the discretion of the Employing Office. An employing office is under no obligation to offer either a temporary teleworking or telecommuting option to employees. Neither teleworking nor telecommuting is a right or benefit.

Definitions

Teleworking

For purposes of this policy and any applicable regulations of the Committee on House Administration, “teleworking” is a temporary working arrangement, mutually agreed upon by the employee and the employing office, whereby the employee works at an Alternative Work Site on specified days and/or for specified hours in response to an emergency or implementation of the employing office’s COOP. It is distinct from telecommuting.

Telecommuting

For purposes of this policy and the applicable regulations of the Committee on House Administration, “telecommuting” is a working arrangement mutually agreed upon by the employee and the employing office whereby the employee works at an Alternative Work Site on specified days and/or for specified hours as part of regular business operations under non-emergency conditions.

Central Work Site

“Central Work Site” is the primary, traditional workplace, the employee's official duty station, that serves as the business address for the Employing Office. In the event that there is more than one business address for the employing office, the Central Work Site is that to which the employee is assigned for the purpose of meeting with supervisors, co-workers, constituents, and/or others.

Alternative Work Site

“Alternative Work Site” is a location other than the Central Work Site that has been approved by the Employing Office for use by qualified employees as a location from which the employees may telework (e.g., residence or telecommuting center). The teleworking employee should have a clean, safe room or area within the Alternative Work Site that is designated for the performance of official duties. The Alternative Work Site may not be a political, campaign, or commercial office. The Employing Office may authorize the employee to conduct telework at a fee-based telecommuting center or other similar facility. To the extent possible, the employee should receive prior approval from the office of a particular Alternative Work Site. If the circumstances under which the employing office implements this policy preclude the employee from working at a previously approved Alternative Work Site, and the employee identifies a new Alternative Work Site, the employee should seek approval from the office of that site as soon as practicable.

Implementation, Suspension, and Termination of Policy

The employing office may implement, suspend, or terminate the telework policy for any reason, at any time. The employing office is solely responsible for determining which employees will participate in telework under the policy.

Employment Status

Teleworking is an option of the employing office rather than an employee right or benefit, and it does not change the terms and conditions of employment. The teleworking employee remains at will and serves at the pleasure of the employing office. Accordingly, the employee has the right to resign from the position at any time, and the employing office can terminate the employment relationship, with or without cause, with or without notice, at any time, except that the employing office cannot terminate employment for discriminatory reasons in violation of applicable federal law or the Rules of the House of Representatives.

Participation and Pre-Conditions

The employing office will establish employee selection criteria and select eligible employees. Only employees may participate in the telework program.

To the maximum extent feasible, teleworking employees are strongly encouraged to sign a Teleworking Agreement prior to teleworking under this policy.

The considerations for selection may include:

- the employee's need for specialized materials and/or equipment must not pose an undue hardship upon the employing office;
- the employee's assignments and duties must be such that there is no difference in the level of service provided to or by the employing office as a result of the teleworking arrangement; and
- teleworking may not adversely affect the employee's job performance or affect the duties and responsibilities of co-workers.

Health and Safety

The Alternative Work Site may be assessed by the employing office to determine in its sole discretion whether it is safe and suitable for teleworking purposes.

The primary responsibility for the personal safety of the employee, regardless of work site, remains with each individual employee. The Alternative Work Site must be in compliance with applicable health and safety regulations. If the Alternative Work Site is a private home, the teleworking employee is responsible for ensuring that the home complies with health and safety requirements.

The employing office may deny an employee the opportunity to telework or may rescind a Teleworking Agreement and/or permission for the employee to telework under this policy based on the existence or suspected existence of unsafe working conditions or hazardous materials at the Alternative Work Site. The Employing Office may also have the Alternative Work Site inspected for compliance with health and safety requirements. Inspections will be by appointment only.

Teleworking employees should follow basic safety precautions, including but not limited to:

- avoiding obstructions in the workplace;
- maintaining a clean workplace;
- eliminating trip-and-fall hazards;
- ensuring proper lighting, ventilation, and furniture; and
- taking fire safety precautions (e.g., maintaining smoke detectors).

If an employee incurs a work-related injury while teleworking, workers' compensation law and rules apply. A teleworking employee must notify the Employing Office immediately of any work-related injury and must complete all necessary and/or Employing Office requested documents regarding the injury.

If an employee is involved in a work-related incident or accident while teleworking that involves theft, loss, or tort liability, the employee must immediately notify the Employing Office.

The employee must allow agents of the employing office to investigate and/or inspect the Alternative Work Site in the event of injury, theft, loss, or tort liability related to the teleworking work arrangement.

Meetings

Unless expressly permitted by the employing office, the teleworking employee may not meet with clients, customers, the public, professional colleagues, other staff members, or the public at his or her Alternative Work Site. If official meetings are permitted, whenever possible they should be scheduled in a public place.

Insurance and Taxes

Employees are advised to consult with their insurance agent and a tax consultant for information regarding home-work sites. Individual tax implications, auto and homeowner's insurance, and incidental residential utility costs are the sole/exclusive responsibility of the employee.

Costs

Only specifically authorized teleworking expenses are reimbursable. If the Employing Office has authorized the employee to conduct work at a fee-based telecommuting center or other facility, charges related to use of such centers are reimbursable.

Telephone calls and telecommunications charges are reimbursable in accordance with Committee on House Administration regulations.

Ordinary and necessary office supplies are reimbursable.

Use of Franked Mail

The Employing Office must account for any mail sent under the frank from an Alternative Work Site on a [Certification of Franked Mail form](#). Any teleworking employee who sends any franked mail must complete this form on a monthly basis and forward it to the Central Work Site on the last business day of the month. The completed form must be filed with the Office of Postal Operations by the second business day of the following month. The completed certification must bear the employing authority's original signature certifying its accuracy. In the case of a Member office, the information on the form should be incorporated into the consolidated certification covering all of the Member's district offices and/or Alternative Work Site.

Supplies and Equipment

The Employing Office may provide ordinary and necessary office supplies to the teleworking employee.

The House retains ownership and control of any and all hardware, software, equipment, data, or documents placed in an Alternative Work Site. Only portable House equipment (e.g., desktop or

laptop computers, cell phones, and portable printers) may be transferred to the Alternative Work Site.

Users are required to follow House Information Resources security precautions and network computer configuration guidelines. Teleworking employees shall be in compliance with all House policies and employing office guidelines for uses of computer hardware and software, including:

- installation and use of virus and surge protection;
- compliance with software licensing provisions;
- duplication of employing office-owned or licensed software;
- maintenance of system security;
- access to files; and
- use of passwords.

The employing office may pursue recovery from the employee for employing office property that is deliberately, or through negligence, damaged, destroyed, lost or stolen while in the employee's care, custody, or control. The employee is responsible for reimbursement for theft, damage or destruction of employing office property at the Alternative Work Site.

The employing office shall maintain a central inventory of the office equipment and software issued to the teleworking employee for use at the Alternative Work Site. All employing office equipment and software used at the Alternative Work Site must be noted on the Teleworking Agreement.

Maintenance, Repair, and Replacement

Maintenance, repair, and replacement of equipment belonging to the House of Representatives issued to teleworking employees will be the responsibility of the employing office. Such maintenance, repair, and replacement only covers normal use and wear; it does not cover maintenance, repair, or replacement of equipment that is damaged or altered as a result of negligence or deliberate action, destruction, loss, or theft.

In the event of equipment malfunction, the teleworking employee must notify his/her supervisor immediately. All repairs to equipment belonging to the House of Representatives must be conducted at the Central Work Site or such other site as the office may designate. The teleworking employee is responsible for returning malfunctioning equipment to the Central Work Site for repair. Vendors, contractors, and employees of the Officers of the House may not be sent to the teleworking site without prior approval of the office. If repairs will take some time, the teleworking employee may be asked to report to the Central Work Site until the equipment is usable.

Repair and/or replacement costs for privately owned equipment and furniture used during teleworking are the responsibility of the employee.

Applicable Rules and Regulations

An employee who engages in telework under this policy is covered by the same rules, regulations, and procedures applicable to all employees of the employing office, including those set forth in applicable Committee on House Administration regulations, the employing office's employee manual, the Rules of the House of Representatives, applicable federal laws, and the guidance of the House Committee on Ethics. Violation of any of these rules, regulations, procedures, or laws may result in disciplinary action up to and including termination of employment.

Confidentiality and Security

Products, documents, and records used and/or developed while teleworking under this policy shall remain the property of the employing office, and are subject to House and employing office policies regarding confidentiality and records retention requirements.

An employee served with a subpoena for employing office or House documents or files located at the Alternative Work Site, or any other site, remains bound by House Rule VIII, and should contact the Office of General Counsel, (202) 225-9700, for guidance.

Restricted-access materials shall not be taken out of the Central Work Site or accessed through the computer at the Alternative Work Site unless approved in advance and in writing by the supervisor.

Electronic products, documents, and records used and/or developed or revised while teleworking must be copied or restored to the employing office's computerized records. It is suggested that employees who telework under this policy use House network shared drives to save information, rather than local media (e.g. hard disk drives, flash drives, etc.).

For jobs that have security and/or confidentiality requirements, procedures must be established to guarantee protection of confidential information. Procedures may include a locked or secure workplace, computer access passwords, or restricted use of files at the Alternative Work Site.

Liability for Damages

The House of Representatives is liable for damages to a teleworking employee's personal or real property during the course of performance of official duties or while using House equipment in the employee's Alternative Work Site only to the extent that the statutory terms of the Federal Tort Claims Act or the Military Personnel and Civilian Claims Act are applicable.